

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**uspto**

**Patent Public Advisory Committee  
Quarterly Meeting**

**Designs Operations Update**

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UNITED STATES  
PATENT AND TRADEMARK OFFICE



# TC 2900 Operations Overview

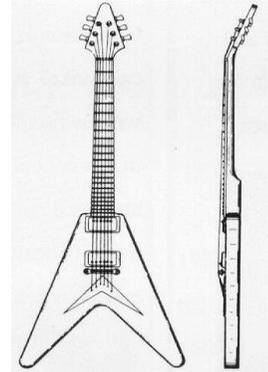
- TC 2900 statistics
- The Hague Agreement Implementation

# Design Patent

- Protects the way an article looks, including
  - its shape and configuration, as well as
  - surface ornamentation applied to the article



Christian Dior  
Couture



# Examples of Industrial Designs

- Mini Cooper vehicle
- Dyson Cyclone vacuum



# Design Staff as of December 31, 2017

- 1 – Director
- 12 – Supervisory Patent Examiners
- 1 – Design Practice Specialist
- 183 – Patent Examiners
- 1 - Secretary
- 1 – Office Manager

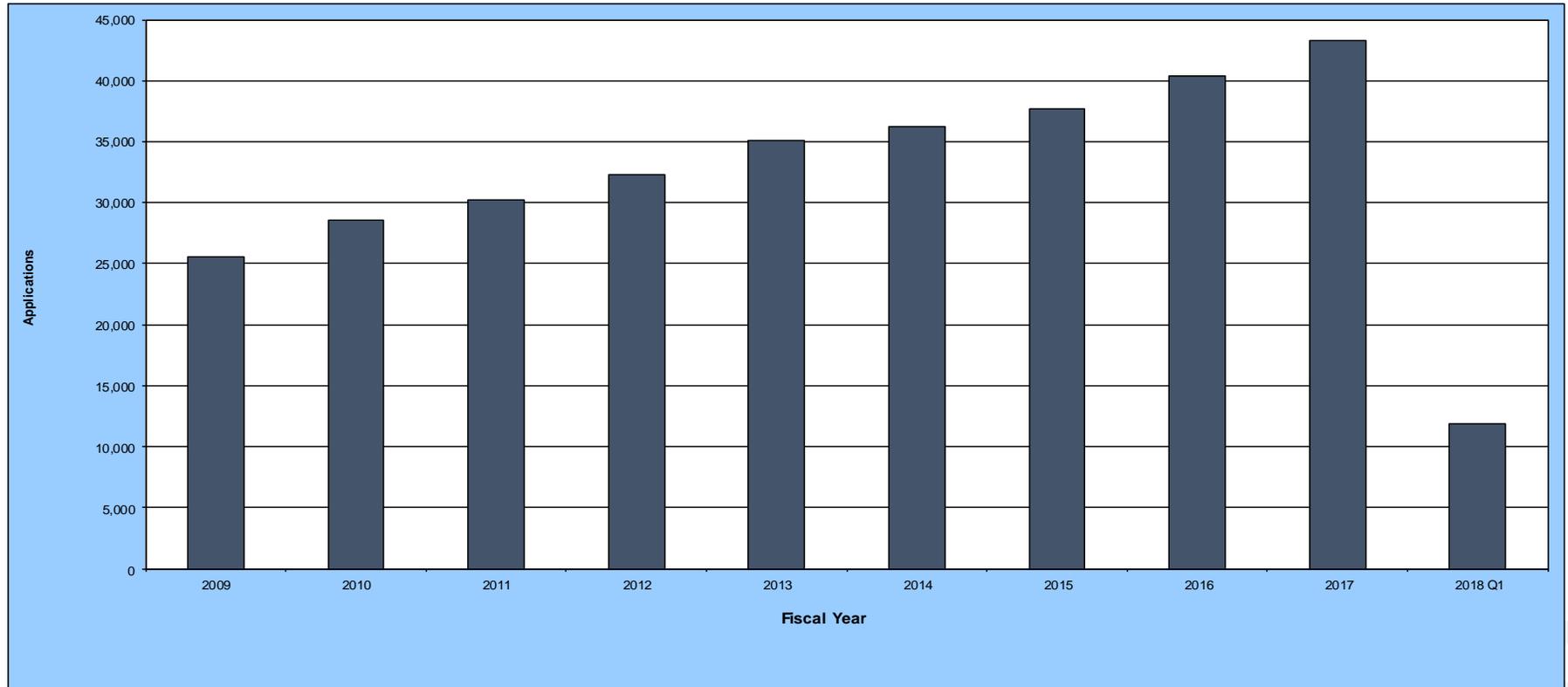
Technical support provided by

**OPESS** Office of  
Patent Examination Support Services



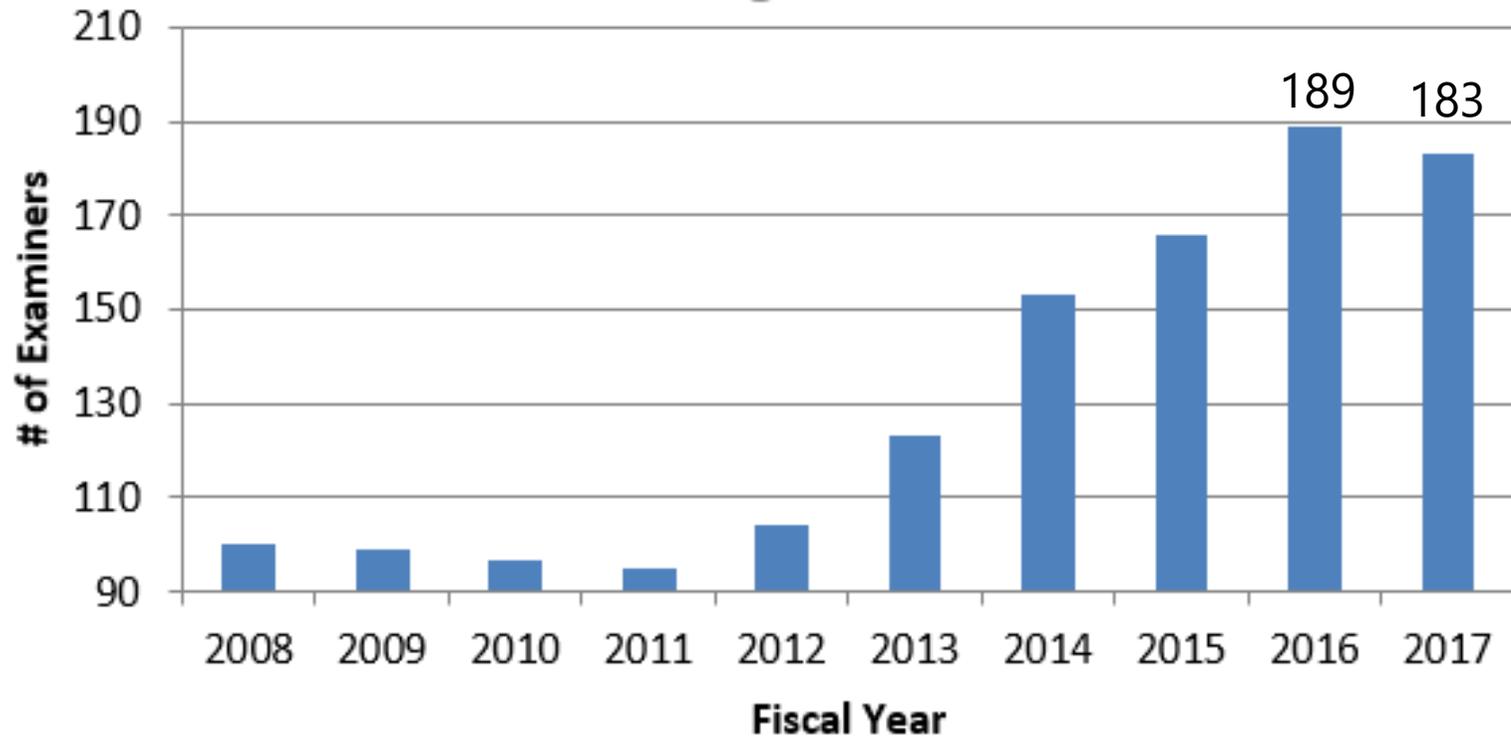
# Design Filings

FY 2009 – FY 2018 Q1



**11,909 applications received in FY18 Q1**

# Number of Examiners

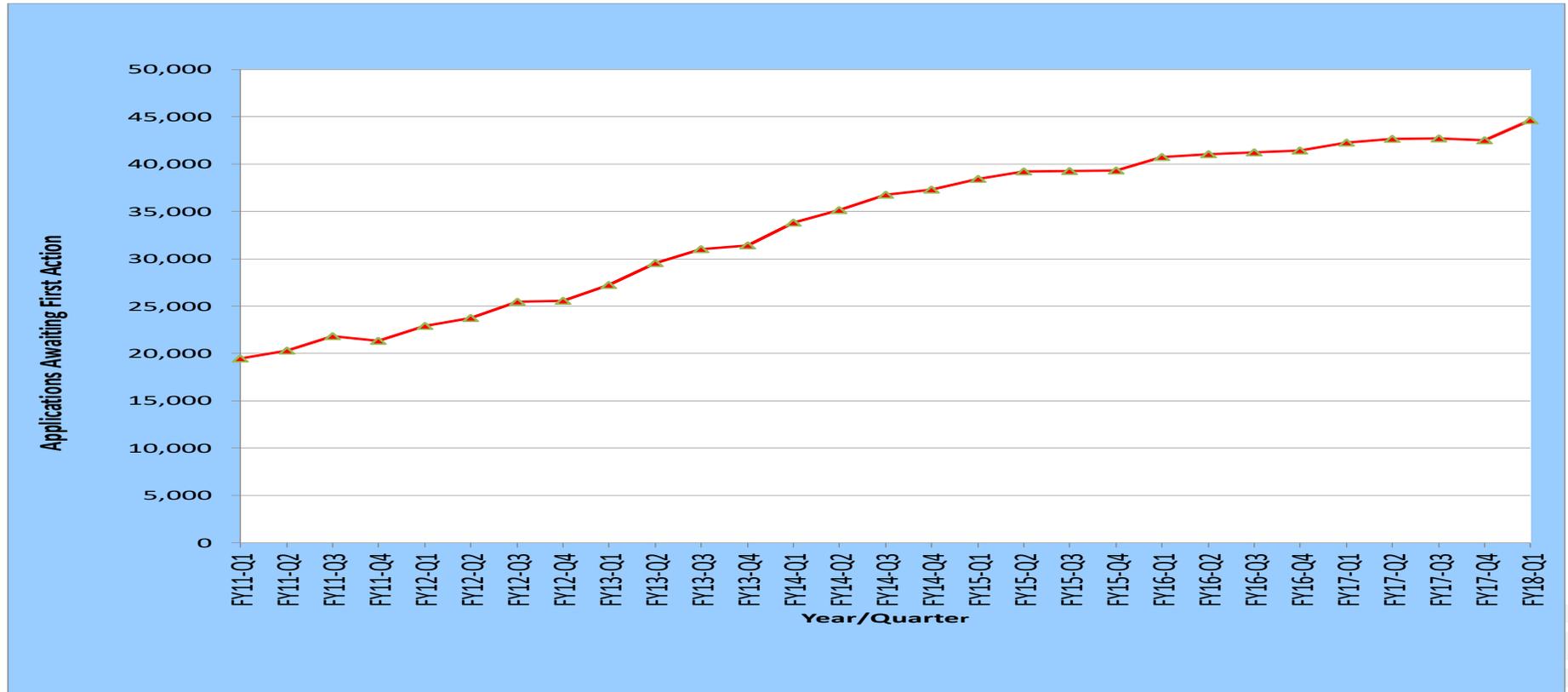


# Examiner's Experience Level

- GS 14 – **77** Examiners
- GS 13 – **21** Examiners
- GS 12 – **32** Examiners
- GS 11 – **26** Examiners
- GS 9 – **24** Examiners
- GS 7 – **3** Examiners

# Design Unexamined Application Inventory

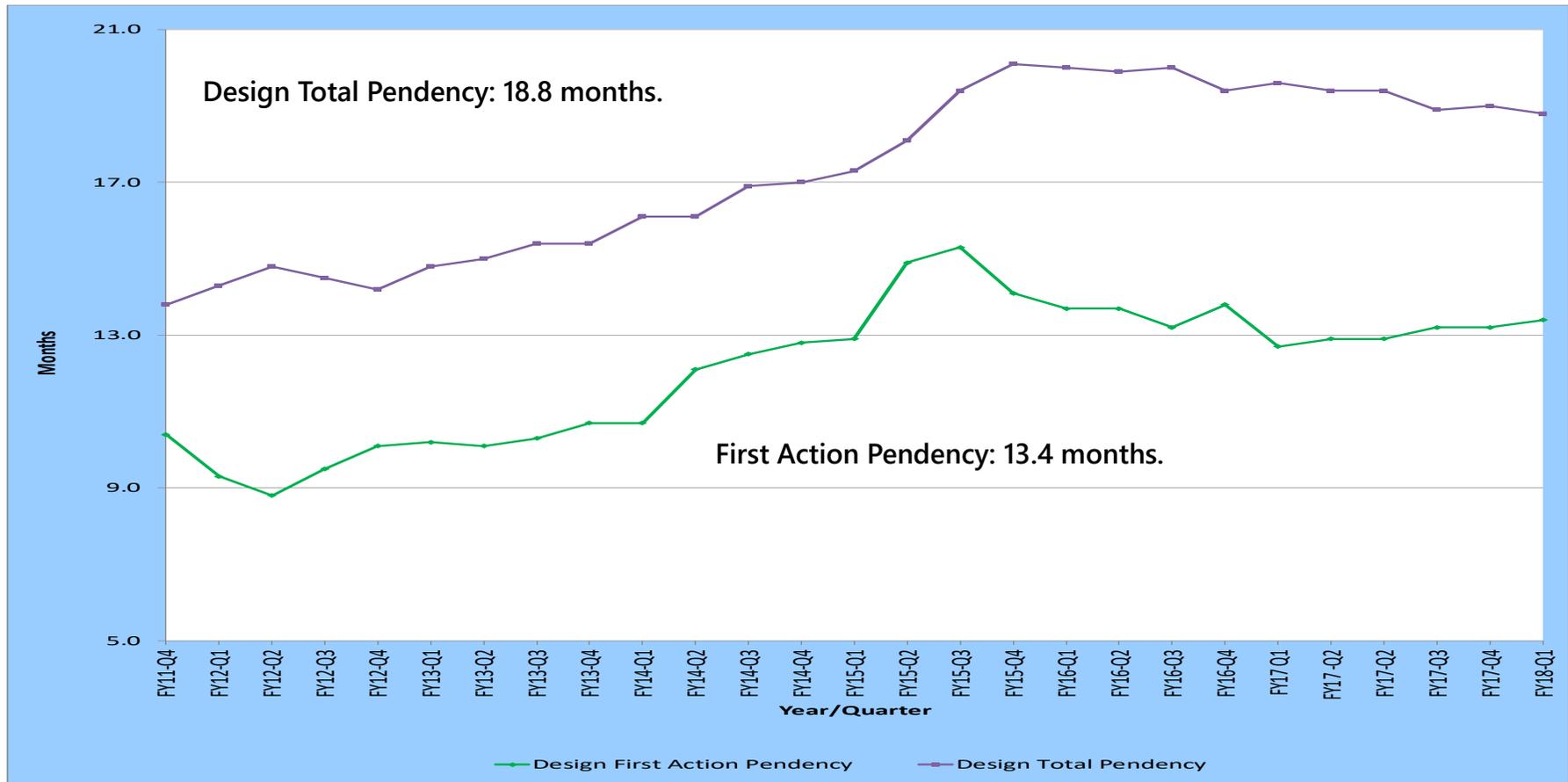
## FY 2011 – FY 2018 Q1



FY 2018 Q1 is 44,636

# Design First Action Pendency and Total Pendency

FY 2011 – FY 2018 Q1



# Hague Agreement

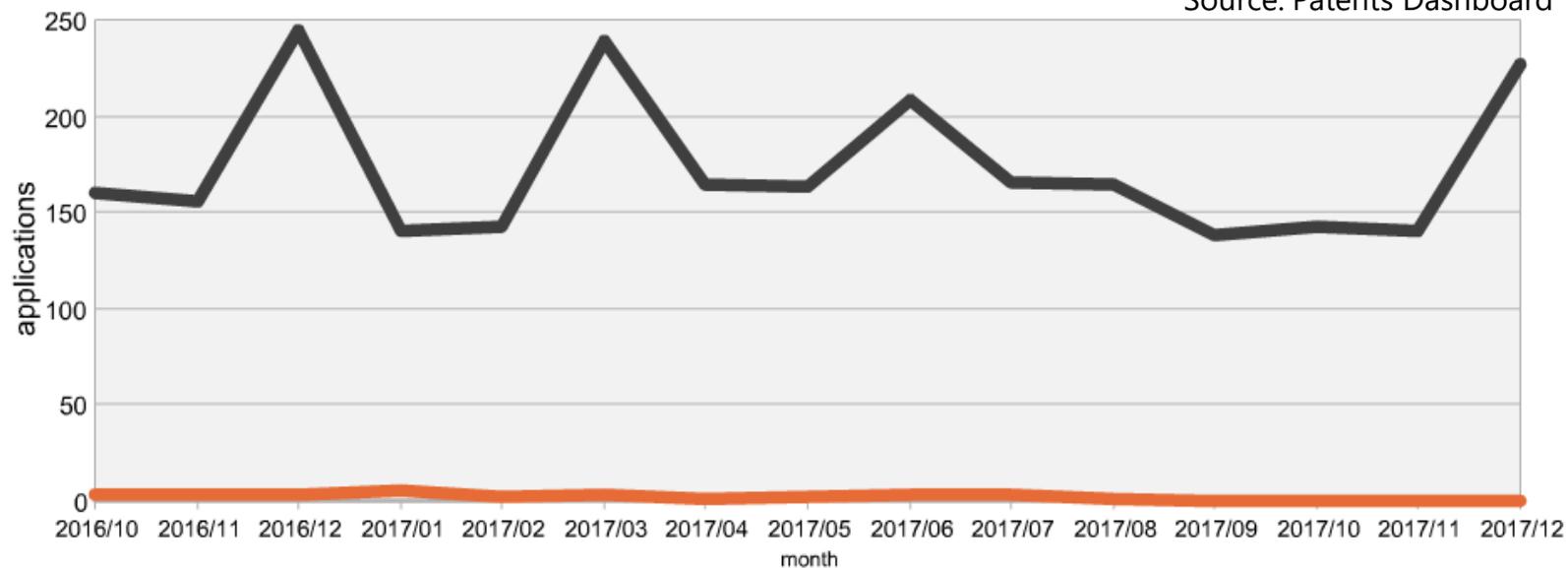
- **Hague System for International Registration of Industrial Designs**
  - Single international design application capable of being registered in 66 contracting parties
  - Register up to 100 industrial designs with a single application
  - U.S. became a member May 13, 2015
  - Offices of designated Contracting Parties examine the published international registration if required under their respective laws
  - If a Contracting Party does not timely issue a refusal, the resulting international registration has the effect of a grant of protection in that designated Contracting Party

# Hague Agreement cont.

- **Since the Hague System is primarily a procedural arrangement, it does *not* determine:**
  - The conditions for protection;
  - The refusal procedure to be applied when deciding whether a design may be protected; or
  - The rights which result from protection
- **Such issues are governed by the law of each Contracting Party designated in an international registration.**

# Monthly Hague Applications Received by USPTO

\* Source: Patents Dashboard



- international design applications received by the USPTO as a designated Contracting Party
- international design applications received by the USPTO as an Office of indirect filing

# Year-to-Year Trend By Volume

FISCAL YEAR	Number of Applications Received By USPTO
2015	159
2016	1,546
2017	2,127

# Year-to-Year Trend

## Average Time to First Action\*

FISCAL YEAR	Average time to First Action	On Time performance: Mail 1 <sup>st</sup> Action in 12 Mo. of Received date
2015	-	99%
2016	10.5 months	100%
2017	11 months	98.8%

\*The failure to send a notification of refusal within twelve months does not confer patent rights in the United States. A grant of protection only arises upon the issuance of a U.S. patent. See 37 CFR 1.1071 and MPEP 2950. In addition, provisions exist under the treaty for excusing unintentional delay in sending the refusal within the twelve month period.

# Type of 1<sup>st</sup> Actions – FY2017

Type of Action 1,546 Applications acted upon	Percent in FY2017
1 <sup>st</sup> Action Allowance	27%
1 <sup>st</sup> Action Refusal	44%
1 <sup>st</sup> Action Restriction	26%
1 <sup>st</sup> Action Quayle	3%

# TC 2900 Challenges

- **Workforce Resources**
  - Work product assistance and review
  - Training
  - Backlog
  - Hague
  - Reexams, reissues, petitions
- **IT Resources**
  - UL replacements
  - Examination tool updates

# Questions and Comments

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